

**IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEWITT LAVON THOMAS	*
2516 E. Monument Street	*
Baltimore, Maryland 21505	*
and	*
MALLISSA DELL THOMAS	*
2516 E. Monument Street	*
Baltimore, Maryland 21505	*
Plaintiffs	*
vs.	*

Civil Action No. CCB-03-488

BALTIMORE CITY POLICE DEPARTMENT	*
ATTN: Commissioner Norris	
601 East Fayette Street	
Baltimore, MD 21202	
and	
OFFICER KEITH GLADSTONE	*
individually,	
c/o Baltimore City Police Department	
601 East Fayette Street	
Baltimore, MD 21202	

Defendants	*
-------------------	---

MOTION FOR CONTINUANCE, OR IN THE ALTERNATIVE
MOTION TO STAY LITIGATION

Come now the Plaintiffs Mr. and Mrs. Dewitt Thomas, by and through counsel Claudia Barber, who seeks an extension of time pursuant to Federal Rule of Civil Procedure 6, to respond to Defendant, Baltimore City Police Department's Motion to Dismiss for the following reasons:

1. On February 28, 2003 at approximately 8:43 pm, plaintiffs' counsel lost her mother, who passed away at Howard County General Hospital.

2. Plaintiffs' counsel was her mother's primary caregiver, and was extensively involved with taking care of her throughout her last illness, up until the day she died.

3. The next day after her mother's death, plaintiffs' counsel received in the mail two motions to dismiss, one from the Defendant Baltimore Police Department and another from the Defendant Mayor and City Council of Baltimore.

4. Plaintiffs' counsel had previously been working on a motion for leave to amend the complaint and to remand this case to state court, which was supposed to have been filed prior to February 28, 2003, but the motion was not filed until March 5, 2003.

5. Due to circumstances beyond her control, plaintiffs' counsel's mother's funeral and interment was delayed by eleven days, and plaintiff's counsel was extensively involved in the preparation of the funeral and interment, such that she was unable to complete her research on these two motions to dismiss in a timely manner.

6. The two pending motions to dismiss cite more than twenty cases and other authorities on immunity issues, which requires more research than completed thus far.

7. Also, in light of plaintiffs' motion for leave to amend the complaint, the court should grant the motion to amend the complaint. The court should further stay the litigation because the proposed amended complaint removes all mention of federal law claims, and seeks the remand of this case to state court, since the federal court would no longer have jurisdiction on a case involving purely state law claims.

8. Plaintiffs' counsel has prepared a brief response to the Defendant Mayor and City Council of Baltimore's Motion to Dismiss, only because this defendant was removed as a defendant in the proposed amended complaint; thus this defendant's motion should be denied as being moot,

once the motion to amend is ruled on by this Court.

WHEREFORE, plaintiffs pray that the court grant this motion and enter the proposed Order that is attached hereto.

Respectfully submitted,

Claudia Barber
Attorney for Plaintiffs (Bar # 06190)
Laurel Lakes Executive Park
8325 Cherry Lane
Laurel, MD 20707
(301) 953-2905 & (410) 880-0960

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2003, I served a copy of the foregoing Motion for Continuance and proposed Order, first-class postage prepaid to counsel for defendants: Troy A. Priest, Esquire; Brown, Diffenderffer and Kearney; 1010 Hull Street; Suite 300; Baltimore, MD 21230; William R. Phelan, Jr., Esquire; Principal Counsel; Baltimroe City Department of Law; 100 Holliday Street; Baltimore, MD 21202; Ira Fine, Esquire; Associate Legal Counsel; Office of Legal Affairs; Baltimore Police Department; 242 W. 29th Street; Baltimore, MD 21211.

Claudia Barber, Esquire

**IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEWITT LAVON THOMAS	*
2516 E. Monument Street	*
Baltimore, Maryland 21505	*
and	*
MALLISSA DELL THOMAS	*
2516 E. Monument Street	*
Baltimore, Maryland 21505	*
Plaintiffs	*
vs.	*

Civil Action No. CCB-03-488

BALTIMORE CITY POLICE DEPARTMENT	*
ATTN: Commissioner Norris	
601 East Fayette Street	
Baltimore, MD 21202	
and	
OFFICER KEITH GLADSTONE	*
individually,	
c/o Baltimore City Police Department	
601 East Fayette Street	
Baltimore, MD 21202	

Defendants	*
-------------------	---

ORDER

Upon consideration of Plaintiff's Motion for a Continuance, or in the alternative Motion to Stay Litigation, and any response thereto, it is this _____ day of _____, 2003 by the United States District Court for the District of Maryland

ORDERED that the Motion to Stay the Litigation until the court rules on the pending Motion for Leave to Amend and to Remand is hereby GRANTED; and it is further

ORDERED that should the motion to remand be denied; plaintiffs shall have 15 days from the date of the Order denying remand to file their opposition to any pending motions to dismiss in the instant case.

JUDGE